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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,584	06/09/2000	Peter T Dietz	55434USA1A.002	2946

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EXAMINER

VO. HAI

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,584

Applicant(s)

DIETZ, PETER T

Examiner

Hai Vo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 24-30, 34 and 40 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 17-22, 31-33, 35, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 16, 23, 28, 29, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-9, 11, 13, 17-21, 31-33, 38 and 39 are rejected under 35

U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) in view of Murphy (US 4,157,417). The combination of examples 5, 7 and 8 of Hutchison discloses the laminate having a thickness greater than 5 mils meeting the specific range required by the claims. Hutchison teaches a layer of silver having a thickness of 1 to 1.5 microns. The examiner believes that the presence of the thin silver layer in the laminate does not necessarily cause the laminate ^{to be} completely non-transmissive to visible light but rather to reduce the visible light transmittance of the laminate. Since the claims are unspecific about the percentage of visible light transmission, Hutchison still reads on the claimed visible light transmittance. Hutchison teaches the reflective film suitable for solar energy applications (abstract). Hutchison does not specifically disclose the reflective film attached to window glass. Murphy, however, teaches the reflective film having been attached to window glass to reduce heat, glare of solar radiation (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the reflective

film in combination with window glass motivated by the desire to reduce heat, glare of solar radiation.

3. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) in view of Murphy (US 4,157,417) as applied to claim 1, as evidenced by Tanaka et al (US 6,033,785). Hutchison does not specifically disclose that the window glass is tempered. Tanaka, relied on as evidence, teaches that the window glass is tempered (column 5, lines 15-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the tempered glass window on which the reflective film is attached because such feature is conventional to the window glass and Tanaka provides necessary details to practice the invention of Hutchison.
4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) in view of Murphy (US 4,157,417) as applied to claim 1 above, in view of Bilkadi et al (US 5,677,050). Hutchison discloses a laminate 100 comprising a scratch-resistant fluorocarbon film 160 bonded to an acrylic pressure sensitive adhesive 150 (figure 1). Hutchison is silent as to a scratch-resistant ceramer coating. Bilkadi supplies the missing feature. Bilkadi teaches the ceramer coating works well on polyacrylics (column 4, lines 12-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the scratch-resistant fluorocarbon film by a ceramer coating as taught in Bilkadi motivated by the desire to obtain a coating that is excellent in abrasion resistance and outdoor durability.

5. Claims 14, 15, 22 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) in view of Murphy (US 4,157,417) as applied to claim 1 above, further in view of Yang et al (US 6,013,722). Hutchison does not specifically teach the presence of a crosslinker in the attachable pressure sensitive adhesive. Yang teaches a low haze acrylic emulsion pressure sensitive adhesive for use in optical articles comprising a cross-linking agent (column 4, lines 1-5). Yang teaches an adhesive coated film having a percent haze less than 2 % (table 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a cross-linking agent into the attachable pressure sensitive adhesive of the window film motivated by the desire to obtain a laminate that exhibits low haze when adhered to glass surface.

Allowable Subject Matter

6. Claims 12 and 30 are allowable (see second full paragraph of page 11 in the amendment received on 09/16/2003).
7. Claims 16, 23, 36, and 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The inclusion of the visible light transmission of the laminate as defined in claims 1 and 9 at least about 75% renders the claim patentable over the prior art.
8. Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art discloses or

suggests a laminate having a recited structure defined in either claim 1 or 9 wherein the laminate comprises an optically clear laminate.

9. Claims 24-27, 34 and 40 are allowed. The inclusion of the visible light transmission of the laminate as defined in claim 24 at least about 75% renders the claims patentable over the prior art. The light transmittance in the claims simply means the visible light transmittance which is supported in line 7 of page 7 and table 2 of the specification.

Response to Arguments

10. The art rejections in the office action mailed on 07/16/2003 have been overcome by the present amendment and response.

WITHDRAWAL OF FINALITY

11. Since the rejections of the claims 9-11, 19-23, 29, 33, 35, 37 and 39 are improper in last Office Action, the finality of that action is withdrawn.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,034,813 teaches a solar control film having low visible light transmittance.
13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on M,T,Th, F, 8:30-6:00 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1800
1700

